

# **Gila National Forest**

## **Process Inventorying and Evaluating Lands that may be Suitable for Inclusion in the National Wilderness Preservation System**

### **Frequently Asked Questions**

For more information on the Plan Revision Process, please visit the [Gila Forest Plan Revision webpage](#).

#### **Questions about the Process:**

##### **1. What is a Wilderness?**

Each individual's personal concept of what makes a place a wilderness is a subjective one, and it varies greatly according to our own life experiences and perceptions.

In the context of what we are discussing here, the term "Wilderness" refers to federal public lands that have been designated by Congress through passage of law. These types of protected areas were originally established by the [Wilderness Act of 1964](#), through which Congress has provided a legal definition of designated Wilderness, and provides direction of how it is required to be managed by the federal land management agencies, including the Gila National Forest.

#### Definition of Wilderness, from the Wilderness Act of 1964

*"...lands designated for preservation and protection in their natural condition..."* Section 2(a)

*"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."* Section 2(c)

*"...shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation and historic use."* Section 4(b)

##### **2. Is the Gila National Forest preparing to create new Wilderness areas under the new Forest Plan?**

No.

Only Congress may designate an area as Wilderness.

The Forest is currently undertaking this process of inventorying and evaluating lands for wilderness characteristics because it is a requirement by law and policy that every National Forest do so during the forest plan revision process. It is also a requirement of law and policy that the Forest Supervisor is to determine which, if any, to recommend to Congress for designation so that Congress may make the final decision.

**3. *How does an area become a wilderness?***

Only Congress may designate wilderness by the passage of a law. As was explained in the answer to question 2, during plan revision all National Forests are required to undertake a process identifying and evaluating lands that may be suitable for inclusion in the National Wilderness Preservation System, and consider other relevant factors to determine whether to recommend any of the evaluated lands to Congress for wilderness designation.

Congress reserves the authority to itself to designate Wilderness through legislation when it determines an area is a suitable addition to the National Wilderness Preservation System. However, it is possible that Congress may disagree with recommendations made by the Gila National Forest, and may choose to designate areas not recommended, or they may direct the Forest to manage a recommended area for other uses besides as wilderness.

**4. *What is the process the Forest is undertaking right now, and how exactly does it relate to designating new Wilderness areas?***

[Forest Service Handbook 1909.12 Chapter 70](#) provides direction and guidance for the four-step process to be completed as one part of the larger Plan Revision effort:

1. **Inventory** to identify all National Forest Lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act
2. **Evaluation** of the wilderness characteristics that may be possessed by the lands identified in the Inventory step of the process
3. **Analysis** of the evaluated areas that are determined to be potentially suitable for inclusion in one or more alternatives as part of the Forest Plan Revision National Environmental Policy Act (NEPA) process
4. **Recommendation** of any lands determined by the Forest Supervisor (Responsible Official) that should be included in the National Wilderness Preservation System. Again, only Congress may designate wilderness

**5. *How is this related to Travel Management? Was the purpose of the recent Travel Management process to pave the way for new wilderness?***

No.

The Travel Management Rule (TMR) is a federal regulation that requires all National Forests to implement limits for motorized use to designated roads, trails and areas. The intent of the rule is to protect natural resources while also providing for motorized recreational opportunities. This is a completely different process from Forest Plan Revision and the process for inventorying and evaluating lands that may contain wilderness characteristics.

Because motorized equipment is prohibited to be used in areas that have been designated as wilderness, one of the first factors considered in the inventory is to exclude all areas that contain Maintenance Level 2 or higher roads. Because these motorized routes are not suitable within wilderness, the motorized road and trails system identified by the Gila National Forest Travel Management Decision is a useful tool for eliminating areas that are not suitable to be included as part of the Inventory.

The routes identified by the travel management decision are only considered as a starting point to work from, and the Travel Management process is intended to be a dynamic one. This means that routes that are currently open or closed to motorized use may see a change in status depending upon additional information or changes in conditions. If members of the public identify to the district ranger for the district in question compelling reasons for a route to be changed in status to be opened or closed to motorized use, it will be taken into consideration for possible changes to the motorized transportation system.

If such routes are located within areas that are identified by the inventory as potentially possessing wilderness characteristics, this information should be shared with both the district ranger of the area where such routes are located, as well as commented upon during the Inventory, Evaluation, and Analysis phases of the four-step process.

**6. *How will this current Inventory and evaluation process affect how I use the Forest?***

Lands shown on the preliminary series of inventory and evaluation process maps and described in the Evaluation Report and other process documentation do not imply any type of designation or convey or require a particular kind of management. The inclusion or removal of any of these lands will continue to be open for consideration throughout the process until the Forest Supervisor signs the Record of Decision for the Forest Plan Environmental Impact Statement (EIS).

The revised plan must include components that provide for managing any recommended wilderness areas to protect and maintain the ecological and social characteristics that are the basis for each area's suitability for wilderness recommendation.

Only if an area is included in the Forest Plan EIS Record of Decision as Recommended Wilderness to Congress will it from that time be managed so as to protect these wilderness characteristics. This management guidance will continue until Congress acts to provide direction by law on the recommendation one way or another, or when the next planning cycle reevaluates any recommended areas.

**7. *There appear to be a lot of lands across the Gila NF included in the Inventory step of the process. Does this mean that most of the Forest is intended to become wilderness?***

No.

The primary function of the Inventory step is to efficiently and transparently narrow down and identify all lands in the plan area that may have wilderness characteristics. It does not mean that all areas on the Inventory map will be proposed or managed as Wilderness. Inventory is only the preliminary first step in a larger process, and as subsequent steps occur (evaluation/analysis/recommendation), the acreage/number of areas of the Forest involved in each step will likely drop, sometimes significantly.

National Forests by law are managed for a wide range of public land uses, of which preservation of certain areas as wilderness is just one. Recommending that most or all of any National Forest be designated as wilderness would be contrary to our management direction by law, policy, and the Forest Service mission of managing for multiple uses.

Under Section 4(a) of the Wilderness Act, Congress directs: *"The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests... are*

*established and administered and... Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the (Forest Service Organic Administration Act) of June 4, 1897... and the Multiple-Use Sustained-Yield Act of June 12, 1960".*

The Organic Act established the Forest Reserves, which later became the National Forest System. According to the Organic Act, the intention of the forest reservations was "*to improve and protect the forest within the reservation... securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.*"

The Multiple Use - Sustained Yield Act (MUSYA) authorizes and directs the National Forests to develop and administer the renewable resources of timber, range, water, recreation and wildlife on the national forests for multiple use and sustained yield of the products and services. This law considers the five major uses of national forests contained in one law equally, with no use greater than any other.

Through MUSYA Congress also affirms that: "The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act."

However, to designate most or all of a national forest as Wilderness would clearly be against Congress' own direction in the Organic Act, Multiple Use – Sustained Yield Act, and the Wilderness Act. As with all other aspects of the Forest Plan Revision, the Forest Supervisor (Responsible Official) is obligated to obey law, policy, and regulation in exercising decision making authority.

**8. *I'm a grazing permittee, how will I be affected by the Inventory and Evaluation process?***

Because the inventory and analysis process does not imply any designation or require any special management direction for the lands included in the inventory and evaluation process, the process itself will have no effect to current grazing operations within the areas.

If any of the evaluated areas are recommended to Congress for designation as wilderness, the Forest is required to manage those areas to protect the wilderness characteristics they possess. These management requirements may have some effect to existing grazing operations.

However, by direction of the Wilderness Act, "*the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.*" Additionally, in 1980 Congress issued House Report 96-1126, the Congressional Grazing Guidelines (CGG) for Wilderness. With the CGG, Congress reiterated and clarified that grazing and associated infrastructure are intended to be a special exemption by the Wilderness Act, and the CGG provided more specific, detailed guidance to land management agencies.

The CGG states: "*In summary, subject to the conditions and policies outlined in this report, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at*

*the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue."*

The CGGs also state that this may even include limited motorized use where there are no other resource concerns, subject to case-by-case preapproval and reasonable limits, in areas where it was established prior to Wilderness designation. One example provided in the guidelines is motorized maintenance of an existing stock tank once per decade, if there were no other resource issues. It also allows for emergency motorized use, such as transportation of a sick animal, or emergency feed in true emergency situations.

#### **9. How does the Inventory process work?**

Because the Gila National Forest is such a large area (3.3 million acres) it is helpful before beginning the Evaluation Step to first narrow consideration down to only the areas most likely to have wilderness characteristics, while eliminating the areas that we can preliminarily determine do not have any.

The Inventory, because it is only an initial rough narrowing of the field, is intended by handbook direction to be broad and inclusive, but to also be transparent by seeking comments by the public on the DRAFT Inventory maps before finalizing them to begin the Evaluation process.

The inventory identifies the areas with potential wilderness characteristics by applying 3 criteria:

- 1) They do not contain any roads above forest service maintenance level 2
- 2) They do not contain and improvements that are considered "substantially noticeable"
- 3) They are greater than 5,000 acres in size, or they are manageable as a wilderness at their current size.

Because the inventory is "broad and inclusive", there are a lot of areas identified on the map, however many of these areas may not be found to possess wilderness characteristics during the evaluation, and still other areas may not be included in alternatives during the Analysis step because of other considerations not within the criteria for either first two steps.

Please provide feedback on the DRAFT Inventory Maps using the criteria documented in the [Inventory Process for Identifying Lands with Potential Wilderness Characteristics Final Process Paper](#). Your comments will help the Forest Service create an accurate document to support appropriate and informed decision-making.

Comments on the DRAFT Inventory are most useful if received by January 12, 2018

Here are some tips to consider when commenting:

- Comments should be clear and relevant to the inventory phase.
- Add specific reasons on why a certain area should be or should not be included as an inventoried area especially in reference to the inventory criteria detailed in the [Inventory Process for Identifying Lands with Potential Wilderness Characteristics Final Process Paper](#) and [Forest Service Handbook 1909.12 Chapter 70](#).
- For example, you could provide comments on areas that should be removed from the inventory or areas that should be added back into the inventory based on substantially noticeable improvements. Substantially noticeable improvements are defined in the collaboratively developed inventory criteria.

- Commenting is not a form of “voting” on wilderness. General statements for or against the idea of wilderness do not help inform the inventory process.

When making comments please remember that the inventory step is the initial filter to remove the obvious features on the Forest that do not have wilderness character. It is meant to be broad and inclusive. The inventory is only the first step in the process, and as subsequent steps occur (evaluation/analysis/recommendation) the acreage/number of areas of the Forest involved in each step will likely drop, sometimes significantly.

There will be future opportunities to comment on the wilderness character of each area in Step 2: Evaluation once the inventory map is finalized, as well as in all other steps of the process. Some comments we receive for the Inventory may be more appropriate for later steps in the process and will be carried forward for consideration then.

**10. What does “substantially noticeable” mean in the context of the inventory for potential wilderness characteristics?**

Because there is no definition provided in FSH 1909.12, Chapter 70, and for the purposes of undertaking a reasonably broad, inclusive, and transparent Inventory of lands with potential wilderness characteristics, the Gila National Forest has developed a definition of “substantially noticeable” for use in Inventory process:

In June 2017, the Gila National Forest staff held 5 community meetings and 1 technical meeting for the forest plan revision process. These meetings occurred the week of June 12, 2017, in the following New Mexico towns: Quemado, Reserve, Silver City, Truth or Consequences, and Las Cruces. Among the topics included was defining “substantially noticeable” improvements as they relate to inclusion in the inventory of lands with potential wilderness characteristics. Participants were asked to write their responses to the following 3 questions on a sticky note for each of 11 pictures with a manmade structure or improvement in it:

1. Do you think the structure or improvement in this picture is substantially noticeable?
2. Why or why not?
3. Can you think of any change in circumstance that would change your answer to question number one?

Common themes that were identified across a range of participants throughout the meetings were considered when developing the Gila National Forest definition of “substantially noticeable”:

**Substantially Noticeable** improvements are judged to negatively affect the predominantly natural appearance of the surrounding landscape to an average, reasonable person due to any single or combination of the following traits:

- They are not of a relatively small size or of an inconspicuous height compared to surrounding features on the landscape;
- They are numerous within the area and are located close by to each other rather than scattered broadly across the landscape;
- They are not unobtrusive in shape or contour, and consist of straight lines and right angles;

- They are highly reflective or not of natural coloration, and cannot be made non-reflective or altered to be a more natural coloration;
- They appear to be of modern, human construction, and are not made of natural or natural appearing materials;
- They are not shielded from general view by their location, by being sheltered by landscape features, or by being hidden by surrounding vegetation;
- They are not temporary in nature, and cannot be removed or restored without unreasonable expense or difficulty, or without inflicting unreasonable impacts to a valid existing forest use, existing essential service, essential infrastructure, valid existing right, or a valid existing permitted use expected to continue for the foreseeable future;
- They will not either decompose or naturalize by vegetation growth, and will continue to affect the natural appearance of the area for more than 20 years into the future;
- They do not contribute significantly to the historical character and cultural context of the area by their presence and preservation;
- They are not a range improvement allowed to be maintained under the Congressional Grazing Guidelines for Wilderness, or they are not similar to improvements that currently exist in Gila National Forest Wilderness areas.

#### **11. What are “Wilderness characteristics”?**

Wilderness characteristics are qualities that when present make an area suitable for wilderness recommendation. The principal wilderness characteristics, as identified in the Wilderness Act, include being apparently natural, having outstanding opportunities for solitude or primitive and unconfined recreation, manageability to preserve wilderness characteristics.

From the Wilderness Act Section 2(c) we can draw out a meaning of wilderness characteristics for use in evaluation of lands proposed for wilderness such as:

- “generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;”
- “Has outstanding opportunities for solitude or a primitive and unconfined type of recreation;”
- “Has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;” and
- “May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.”

#### **12. How does the evaluation process work?**

The Evaluation step of the process is a determination of whether the areas identified by the Inventory step contain wilderness characteristics, and if they do to rank them as being low, moderate, high, or outstanding in quality.

The [DRAFT Evaluation process paper](#) outlines in detail the process to be undertaken, but to summarize, each area is evaluated for the presence of and ranking of four criteria, all of which must be present for the area to possess wilderness characteristics; there is a fifth criterion that is only considered where it occurs, and serves as “extra credit” to the overall evaluation of the areal. These criteria are:

1. **Sufficient Size to be Practicable to Manage as Wilderness** (if less than 5,000 acres);

2. **Manageability to Protect Wilderness Characteristics** (factors other than size);
3. **Apparent Naturalness**; and
4. **Opportunities for Solitude or Primitive and Unconfined Recreation**;
5. **Other Features of Value** is not mandated to be present for an area to have wilderness characteristics, and is evaluated only where it occurs, providing “extra credit”.

Each criterion receives a numeric score within a range assigned to the rankings of low, moderate, high, or outstanding, but if it receives a rank of “none” for any criteria except Other Features of Value, the area is not considered to possess wilderness characteristics. The Overall Ranking of the area is determined by tallying of the points assigned to each criterion.

We are currently accepting comments on the draft process paper: [“DRAFT Evaluation Process of Lands Inventoried for Potential Wilderness Characteristics”](#). Please take this opportunity to provide your feedback on the DRAFT process paper. Comments on the DRAFT process paper are most useful if received by January 12, 2018.

The wilderness characteristics criteria are derived from the definition of Wilderness provided in the [Wilderness Act of 1964](#), and by the [Forest Service Planning Handbook 1909.12 Chapter 70](#). Help us by providing your feedback on how to evaluate these criteria.

There will be future opportunities to comment on the wilderness character of each area when the DRAFT Evaluation Report is released.

**13. *If an Evaluated area is found to have wilderness characteristics, does that mean it will automatically be recommended to be designated Wilderness?***

No.

The Analysis and Recommendation steps of the four-step process allow the Forest Supervisor (Responsible Official) latitude to consider a range of factors when deciding which, if any, evaluated areas should be recommended to Congress for designation (see question #15). An area may have wilderness characteristics, but for compelling reasons the Forest Supervisor may make the decision that it should not be recommended.

Any areas that are recommended by this process for Congressional designation must be managed by the Forest to protect the wilderness characteristics that were the basis for the recommendation (see question #18).

**14. *I’m a mountain biker, and bicycles like all forms of mechanical transportation, are prohibited in congressionally designated Wilderness. The Inventory and Evaluation steps of the process have set criteria to consider, and do not address impacts to mechanical transportation like mountain bikes if these areas were to be designated as Wilderness. Is there a point in the process where the effects to mountain bikers will be considered in deciding whether to recommend these areas?***

Yes.

As is explained in more detail in question numbers 7 and 10, the first two steps of the process are intended just to determine if areas contain Wilderness Characteristics (COULD the area be Wilderness?) and the third and fourth steps allow the Forest Supervisor to consider other factors to determine whether or not to recommend an area to Congress for designation



(SHOULD an area be managed as wilderness, or are there compelling reasons to manage it otherwise).

Mountain biking is recognized by the Gila National Forest as an important and popular recreation activity, and members of the mountain biking community contribute time and energy to popular organized permitted events and volunteer labor to maintaining trails. Any adverse effects to mountain biking and other recreation activities will be considered carefully by the Forest Supervisor during the analysis and recommendation steps of the process.

**15. *How can I become involved in the process, and how can I be most effective in having an influence on the outcome?***

The [2012 Planning Rule](#) requires the process to be transparent, with opportunities for public comment provided during each step. Attending public meetings and providing specific, detailed comments are the best ways to effectively participate in the process.

There are several ways you can share your comments:

**Comment on an area using our Interactive [Web Map](#).**

How to Submit a Comment on the Interactive Web Map:

- 1) Click on the green button in the middle of the picture to log in as a guest.
- 2) Click on the house button in the top left corner of the map.
- 3) Click on Submit a Comment at the bottom of the screen.
- 4) Click on the map to locate the area you wish to comment about.
- 5) Fill in the comment form. Your comment is limited to 5000 characters. You do have the option to attach a document if you have more to share.
- 6) Click on Report It to submit your comment.

Please note that in the comment form it is optional to provide your name and mailing address, but if these boxes are left blank, comments made will not provide standing to object later in the process since we will be unable to associate the comment with a name and mailing address.

**Comment by E-mail:** [gilaplan@fs.fed.us](mailto:gilaplan@fs.fed.us)

**Comment by Mail:**

Gila National Forest  
Attn.: Plan Revision,  
3005 E. Camino del Bosque,  
Silver City, NM 88061

**16. *How can I be the most effective in providing comments that may help influence if certain areas are recommended or not?***

Please be specific when you are commenting on the relative merits of each individual area to be recommended –or not. Provide as much detailed information on any area that you can, including improvements within the area, and why you feel they are or are not substantially noticeable. Do your best to articulate the reasons you believe whether the area possesses wilderness characteristics or not, and perhaps most importantly how it would affect you personally, and your use of that area if Congress designates it as wilderness.

While sharing your opinions on the general concept of wilderness designation are valid, such broad statements of opinion are far outside the scope of what we are empowered to accomplish within this process.

Congress alone has decision making authority regarding wilderness designation, and has not provided direction or delegated authority to land management agencies to make such value judgements on whether any federal lands should be managed how Congress directs.

***17. After the Inventory, Evaluation, and Analysis are completed, what factors will the Forest Supervisor consider when deciding if to recommend an area to Congress?***

In the Inventory and Evaluation steps of the four-step process, consideration of factors are limited to the criteria that are provided by the Forest Service Planning Handbook Chapter 70. However, the Forest Supervisor (Responsible Official) has much more latitude in what may be considered in both Step 3: Analysis, and Step 4: Recommendation.

To put it in simpler terms, the first two steps of the four-step process help the Forest Supervisor to determine if the Inventoried areas contain wilderness characteristics and COULD be managed as wilderness if designated by Congress; the last two steps are to determine if and which of any of the Evaluated areas that are determined to possess wilderness characteristics SHOULD be recommended to Congress for wilderness designation.

Based on the evaluation and input from public participation opportunities, the Responsible Official shall identify which specific areas, or portions thereof, from the evaluation to carry forward as recommended wilderness in one or more alternatives in the plan EIS

The Analysis step is a component of the overall NEPA process, which will involve the development of a range of alternatives to be considered for selection by the Forest Supervisor in the Record of Decision. These alternatives will be developed by consideration of the issues raised through public comment and collaboration to develop “themes” for the alternatives. Inclusion of areas evaluated to possess wilderness characteristics will be influenced by how they fit the theme of each alternative, but by other factors as well. However, not all lands included in the inventory and subsequent evaluations are required to be carried forward in an alternative.

Some of the considerations and public input that the Forest Supervisor may consider during the analysis and recommendation include, but are not limited to, impacts to current and foreseeable uses within the area such as impacts to current recreation uses such as mountain biking, gathering of forest products by local residents, or the imminent need for mechanical treatments of vegetation to protect private property from wildfires with the wildland-urban interface (WUI).

***18. During plan revision, can the forest recommend that currently designated Wilderness areas be removed from Wilderness Designation and be managed for different uses?***

No.

Congress has reserved to itself the authority to designate Wilderness. While Congress has directed federal land agencies to identify and recommend areas that may be suitable for inclusion in the National Wilderness Preservation System, it has not provided direction or authority to second-guess their previous decisions to designate existing areas.

However, if an entire planning cycle concludes (~15+ years) and a new plan revision process begins, and Congress has not acted upon a recommendation to designate an area, it would be appropriate to re-visit that recommendation for changed conditions that may affect the area's wilderness characteristics, or for other compelling factors that may indicate a different management of the area is desirable.

**19. *How will areas be managed after they have been recommended to Congress? Is this creation of "de facto wilderness" before Congress has decided on designation?***

Law and policy do require that areas recommended to Congress for designation as wilderness during plan revision must be managed to protect and preserve the wilderness characteristics that they possessed at the time they were recommended. This management direction may include restrictions that are similar to those that are found in wilderness, and a process similar to a minimum requirements analysis may be required to help determine if proposed management actions negatively affect wilderness characteristics.

However, some activities that are normally prohibited in designated Wilderness may not affect the preservation of wilderness characteristics, and the Forest Supervisor (Responsible Official) has discretion to make such uses allowable in recommended areas. However, these uses would become prohibited if Congress designates the area wilderness, and could create an otherwise avoidable conflict if certain uses become established in the interim. Furthermore, if an activity that is incompatible with wilderness values were recognized by the Forest Supervisor as having importance and value to be allowed to continue within a recommended area, it's questionable if wilderness designation should be recommended to Congress as the best use of the area.

**Additional Questions about Management Requirements of Congressionally Designated Wilderness**

**20. *Please bear in mind that suburban areas near the Forest need to be protected as much as possible from fires. If a Wilderness is close private property, will there be more restrictions are placed on how you fight fires so we may not be able to protect our homes as effectively?***

No.

Under section 4(d) (1) the Wilderness Act specifically exempts firefighting activity from all restrictions within wilderness: "... *In addition, such measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.*" However, terrain, weather, and firefighter safety may be the actual factors that affect what actions are taken during a fire, but are sometimes misinterpreted as being because the fire is in wilderness.

However, the Forest is limited in the types of treatments that it may undertake to reduce fire hazards in wilderness located nearby or adjacent to private property. Agency-ignited prescribed fire for the purpose of reducing fire hazards is allowable, but mechanical thinning and fuels reduction is not. Proximity to private property (also known as the wildland/urban interface) is one of many other factors that the Forest Supervisor (responsible official) may consider in the Analysis and Recommendations steps of the process.

**21. *How does wilderness designation affect how I may use an area? What is prohibited in wilderness?***

The wilderness act provides direction on prohibited uses in wilderness under Section 4(c). Except as specifically provided for in the Wilderness Act, and subject to existing private rights, there shall be no:

- Commercial enterprises
- Permanent or temporary roads
- Use of motor vehicles, motorized equipment or motorboats,
- Landing of aircraft
- Other form of mechanical transport
- Structures or installations

...Except as necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act, including measures required in emergencies involving the health and safety of persons within the area.

**22. *How does the Forest Service determine if a prohibited use under Section 4(c) as described above meets the minimum requirements for administration for the purpose of the Wilderness Act?***

Under all circumstances not related to emergencies of human health and safety or management of wildfire, the managing agency must undergo a process known as a “minimum requirements analysis”. There is a standard template, known as a “Minimum Requirements Decision Guide” that by policy is required to be used for Forest Service minimum requirements analyses.

This process first determines if the proposed action must be undertaken in Wilderness, and then analyzes a series of alternatives to determine which has the least impact on wilderness character, while still achieving the desired management action. All management actions must be necessary to manage the area for the purposes identified in the Wilderness Act.

**23. *What about Outfitter/Guides, are they allowed in designated Wilderness?***

Yes.

Although commercial enterprises are generally prohibited, in providing for some exceptions, the Wilderness Act also states: “Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”

Such allowable commercial services may include packers, outfitters, and guides, and commercial filming.

**24. *Are hunting and fishing prohibited in Wilderness? Do they require special licenses or permissions?***

No.

The Wilderness Act states: “Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.”

Because jurisdiction belongs to state fish and wildlife agencies, there are no special licenses or other hunting, fishing, or trapping restrictions applied by the Forest Service within designated Wilderness.

**25. Are wheelchairs permitted in wilderness?**

Yes.

The American with Disabilities Act, Title V Section 508 (c) Federally Designated Wilderness states that “Congress reaffirms that nothing in the Wilderness Act prohibits wheelchair use in a wilderness area by an individual whose disability requires its use.”

It also defines a wheelchair as “a device designed solely for use by a mobility impaired person for locomotion that is suitable for use in an indoor pedestrian area.”

However, the Wilderness Act requires no agency to provide any form of special treatment or accommodation or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.

**26. Why are mountain bikes prohibited in designated Wilderness? Was this really the intent of the Wilderness act? Many mountain bikers feel unnecessarily excluded, since they feel like they are seeking the same experiences as hikers and equestrians.**

This has been a very hot topic in the Wilderness and Mountain Biking enthusiast communities in recent years. Although mountain biking was not yet established as a popular recreation activity, there is clear direction provided within the Act as related to mechanical transport of all types.

Under Section 2 of the Wilderness Act, Wilderness System Established Statement of Policy Congress states its intention for passage of the Act:

*“In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”*

And goes on to clearly state within the section on Prohibited Uses:

*“...there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport...”*

Because they are unquestionably a “form of mechanical transport”, it is clear from direction in the Act that Congress did not intend for any not-yet established mechanical forms of transportation such as mountain biking to be allowable within designated wilderness because of its mechanical nature.

However, mountain biking is a very popular and well established recreational activity on non-Wilderness public lands that is enjoyed by millions of outdoor enthusiasts nationwide, as well as locally within the Gila National Forest region. Mountain biking is an allowable recreation use on Forest trails outside of designated Wilderness where it is designated as a compatible use for local conditions.